

SENATE BILL 389

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2004 Regular Session
4r1402
CF 4r1401

By: **Senator Klausmeier**
Introduced and read first time: February 4, 2004
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 2, 2004

CHAPTER _____

1 AN ACT concerning

2 **Maryland Pharmacy Act - Practice of Pharmacy - Administration of**
3 **Medication the Influenza Vaccination**

4 FOR the purpose of altering the definition of the term "practice pharmacy" to include
5 administering ~~medication in accordance with certain regulations adopted by the~~
6 State Board of Pharmacy certain vaccinations; requiring the Board, in
7 consultation with certain entities; authorizing certain pharmacists to
8 administer certain vaccinations; requiring the Board of Pharmacy to set certain
9 fees; requiring the Board of Pharmacy, together with the Board of Physicians
10 and the Board of Nursing, to jointly develop and to adopt certain regulations;
11 providing for the effective date of certain provisions of this Act; providing for the
12 termination of certain provisions of this Act; and generally relating to the State
13 Board of Pharmacy and the practice of pharmacy.

14 BY repealing and reenacting, with amendments,
15 Article - Health Occupations
16 Section 12-101(p)(1)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2003 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Health Occupations
21 Section 12-101(p)(1)
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2003 Supplement)
24 (As enacted by Chapter 249 of the Acts of the General Assembly of 2002)

1 BY adding to
 2 Article - Health Occupations
 3 Section 12-508
 4 Annotated Code of Maryland
 5 (2000 Replacement Volume and 2003 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Health Occupations**

9 12-101.

10 (p) (1) "Practice pharmacy" means to engage in any of the following
 11 activities:

12 (i) Providing pharmaceutical care;

13 (ii) Compounding, dispensing, or distributing prescription drugs or
 14 devices;

15 (iii) Compounding or dispensing nonprescription drugs or devices;

16 (iv) Monitoring prescriptions for prescription and nonprescription
 17 drugs or devices;

18 (v) Providing information, explanation, or recommendations to
 19 patients and health care practitioners about the safe and effective use of prescription
 20 or nonprescription drugs or devices;

21 (vi) Identifying and appraising problems concerning the use or
 22 monitoring of therapy with drugs or devices; [or]

23 (vii) Acting within the parameters of a therapy management
 24 contract, as provided under Subtitle 6A of this title; OR

25 (VIII) ~~ADMINISTERING MEDICATION TO AN INDIVIDUAL IN~~
 26 ~~ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD~~ AN INFLUENZA
 27 VACCINATION IN ACCORDANCE WITH § 12-508 OF THIS TITLE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 29 read as follows:

30 **Article - Health Occupations**

31 12-101.

32 (p) (1) "Practice pharmacy" means to engage in any of the following
 33 activities:

- 1 (i) Providing pharmaceutical care;
- 2 (ii) Compounding, dispensing, or distributing prescription drugs or
3 devices;
- 4 (iii) Compounding or dispensing nonprescription drugs or devices;
- 5 (iv) Monitoring prescriptions for prescription and nonprescription
6 drugs or devices;
- 7 (v) Providing information, explanation, or recommendations to
8 patients and health care practitioners about the safe and effective use of prescription
9 or nonprescription drugs or devices; [or]
- 10 (vi) Identifying and appraising problems concerning the use or
11 monitoring of therapy with drugs or devices; OR

12 (VII) ~~ADMINISTERING MEDICATION TO AN INDIVIDUAL IN~~
13 ~~ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD~~ AN INFLUENZA
14 VACCINATION IN ACCORDANCE WITH § 12-508 OF THIS TITLE.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article - Health Occupations**

18 12-508.

19 (A) A PHARMACIST MAY ADMINISTER AN INFLUENZA VACCINATION TO AN
20 INDIVIDUAL IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER SUBSECTION (C)
21 OF THIS SECTION.

22 (B) THE BOARD SHALL SET REASONABLE FEES FOR THE ADMINISTRATION OF
23 AN INFLUENZA VACCINATION IN ACCORDANCE WITH SUBSECTION (A) OF THIS
24 SECTION THAT ACCOUNT FOR THE COST OF THE VACCINATION AND A REASONABLE
25 CHARGE FOR THE ADMINISTRATION OF THE VACCINATION.

26 (C) THE BOARD, TOGETHER WITH THE BOARD OF PHYSICIANS AND THE
27 BOARD OF NURSING, SHALL JOINTLY DEVELOP AND ADOPT REGULATIONS TO
28 IMPLEMENT THIS SECTION.

29 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of~~
30 ~~Pharmacy, in consultation with the State Board of Physicians and the State Board of~~
31 ~~Nursing, shall adopt regulations necessary to implement this Act.~~

32 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
33 take effect on the taking effect of the termination provision specified in Section 5 of
34 Chapter 249 of the Acts of the General Assembly of 2002. If that termination provision
35 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.
36 This Act may not be interpreted to have any effect on that termination provision.

1 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions
2 of Section 4 of this Act, this Act shall take effect October 1, 2004.